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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,738	07/23/2001	Tomohiro Uchida	01436/LH	2686
1933	7590	04/27/2007	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC			VO, TUNG T	
220 Fifth Avenue			ART UNIT	PAPER NUMBER
16TH Floor			2621	
NEW YORK, NY 10001-7708				
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/27/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/910,738	UCHIDA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tung Vo	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02/20/2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 47 and 48 is/are pending in the application.
  - 4a) Of the above claim(s) 1-46 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 47 and 48 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 July 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/26/2007 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iki (US 2001/0030654).

Re claims 47 and 48, Iki discloses an imaging apparatus for a microscope (fig. 1), comprising: an imaging element (12 of fig. 1) which picks up an image observed through the microscope (11 of fig. 1); and an operation display section (14 of fig. 1); wherein the operation display section comprises: an operation section (14 and 15 of fig. 1, see also fig. 2) comprising an imaging start instructing member ([0150]), a recording range enlargement instructing member and a recording range reduction instructing member (1361 and 1361 of fig. 2)), a display enlargement instructing member, and a display reduction instructing member ([0157]-[0158]); a

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recording section (137 of fig 1) which includes a removable recording medium (137a of fig. 1), and which is configured to temporarily records the image picked up by the imaging element; a display section (14 of fig. 1) configured to display the image temporarily recorded by the recording section at a display magnification, which is variable; and a control section (138 of fig. 2) which controls recording and reproducing operations of the recording section and the display magnification of the display section, and which selectively controls a recording range of the image instructed by the recording range enlargement instructing member and the recording range reduction instructing member (the operator would obviously instruct the controller (138 of fig. 2) to record or store the enlargement and reduction range (fig. 7)), and the display magnification of the image instructed by the display enlargement instructing member and the display reduction instructing member (Windows (141a and 141b of fig. 5) would obviously display the enlargement and reduction of image instructed by the operator), wherein the control section has a moving image imaging mode (Note a live picture storage region (1361 of fig. 2) for temporarily storing the live image data received from the electronic camera (12 of fig. 1) are assigned to the memory (1361 of fig. 2) inside the computer 13 (see FIG. 2)) which continuously repeats temporary recording by the recording section and display by the display section, and a still image imaging mode (1362 of fig. 2) which records an image within the recording range among images temporarily recorded by the recording section, and wherein the control section controls the recording and reproducing operations (See figs. 5-7; Note the operator would obviously control the operations of entire apparatus) in an operation mode selected from a first operation mode in which the recording range (fig. 7, Note the setting would obviously set the recording range of the still image (fig. 7)) of the image in the still image imaging mode is fixed (Note the storage (1362

of fig. 2) is recording the till image), and a display range and the display magnification of the image in the moving image mode are variable (141a of fig. 4, Note In this instance, an enlargement or reduction processing is executed for the live image data in match with the display size of the right window (still image is displayed in window 141b of live image), this would suggests that the enlargement of image is variable to be displayed (141b of fig. 2) by on the settings (141c of fig. 2)) ; a second operation mode in which the recording range of the image in the still image imaging mode is variable (141i of fig. 5), and the display range and the display magnification of the image in the moving image mode are fixed (141b of fig. 5, Note the enlarged or reduced live image would obviously be displayed on the window 141b of fig. 5 in a fixed size); and a third operation mode in which the recording range of the image in the still image imaging mode is variable and the display range and the display magnification of the image in the moving image mode are variable (figs. 9 and 10) (see also [0122]-[0148]); wherein the operation section further comprises: a recording range display instructing member which causes the display section to display the recording range of the image; a recording range instructing member which varies the recording range of the image; and an image list display instructing member which causes the display section to display a list of images of predetermined areas of the image recorded in the record section (figs. 5-6; Note still images (141i), still image display (141b), and live zoom or enlargement or reduction image display (141a)).

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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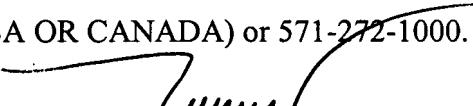
Smith et al. (US 2002/0149628 A1) discloses positioning an item in three dimensions via graphical representation.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Tung Vo  
Primary Examiner  
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